

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

CENTRAL VALLEY AG COOPERATIVE, for itself and as Fiduciary of the CENTRAL VALLEY AG COOPERATIVE HEALTH CARE PLAN, <i>Plaintiff,</i> v. DANIEL K. LEONARD, SUSAN LEONARD, THE BENEFIT GROUP, INC., ANASAZI MEDICAL PAYMENT SOLUTIONS, INC. d/b/a/ ADVANCED MEDICAL PRICING SOLUTIONS, CLAIMS DELEGATE SERVICES, LLC and GMS BENEFITS, INC. <i>Defendants.</i>	8:17-CV-00379-LSC-CRZ
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**PLAINTIFF’S SUPPLEMENTAL RESPONSE TO DEFENDANT
THE BENEFIT GROUP, INC.’S INTERROGATORY**

INTERROGATORY NO. 22:

Provide a current and complete itemization of the special damages claimed, including but not limited to an explanation of how the Plan “suffered damages in excess of \$6 million” as a result of The Benefit Group's alleged actions as stated in Paragraphs 129 and 150 of the Third Amended Complaint.

RESPONSE TO INTERROGATORY NO. 22:

The following supplements Plaintiff’s prior response to Interrogatory No. 22 and supplants its initial disclosures regarding damages pertaining to TBG:

1. As per Plaintiff’s expert reports: \$1,070,998.64 in damages related to stop loss, and \$1,800,000 in overpayments to and through Defendants for Plan Years 2015 and 2016;

**EXHIBIT
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2. Plaintiff has also provided expert reports regarding, and evidence of, the \$1,683,079.22¹ in additional payments CVA's Plan was forced to make to providers to protect Plan participants, which payments are not reflected in the TBG Claims Paid Detail for Plan Years 2015 and 2016;
3. A minimum of \$342,732 in excess fees paid to Defendants TBG, plus amounts paid to TBG by the Plan through AMPS, plus other bonuses, fees, and commissions paid to TBG by Optum/Catamaran and other vendors, including stop loss carriers and non-medical vendors, which amounts were not earned and/or not disclosed to Plaintiff or the Plan. Specific information regarding the amounts of these payments and all the sources of these payments are still being sought in further discovery;
4. \$277,394.43 in amounts paid to non-medical vendors American Health Holdings, Premier Healthcare Exchange, and ePlan, LLC without the Plan's authorization in 2015, 2016 and into 2017;
5. Interest and lost opportunity costs related to the \$66,831.71 of Plan money currently known to have been retained by TBG for years in its accounts (which amount is subject to change as more retention of amounts by TBG is revealed in discovery);
6. An amount to exceed \$50,000.00 for internal costs associated with negotiating with providers and interacting with participants in processing remaining and lingering run out claims from Plan Years 2015 and 2016, taking time away from productive plan and program administration;
7. \$136,576.13 in fees to Kutak Rock for negotiation of remaining claims from Plan Years 2015 and 2016, which were still at issue (this amount is subject to change as more claims are finalized and paid);
8. \$38,151.00 for Lutz consulting fees;
9. \$119,096.00 to BKD for 5500 audit services;
10. In excess of \$1,000,000.00 in attorney's fees in this litigation to date (this amount is subject to change as litigation fees continue to mount in this matter), plus expert fees and costs of this litigation, amounts which Plaintiff will supplement as invoices are received, but which are estimated at this time to exceed \$70,000.00.

This response is subject to change and supplementation as discovery continues.

¹ This calculation includes a settlement figure with CHI for \$112,000.00, which is a close approximation of the amount for which the pending claims with CHI for the years at issue will be resolved. When that exact amount is determined, Plaintiff will supplement this response with the final information.

DATED this 15th day of February, 2019.

CENTRAL VALLEY AG COOPERATIVE,
for itself and as Fiduciary of the CENTRAL
VALLEY AG COOPERATIVE HEALTH
CARE PLAN, Plaintiff.

/s/ Michaelle L. Baumert

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of February, 2019, a true and correct copy of the above and foregoing was served via email upon the following counsel of record:

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